

Remarks

Favorable reconsideration of this application is requested in view of the above amendments and the following remarks. Claims 1 and 22 are amended. Claims 12 and 13 were canceled without prejudice or disclaimer. Support for the amendments can be found on at least pages 9-10 of Applicant's Specification. Claims 1- 11 and 14-26 remain pending in the case. No new matter has been added. Reconsideration of the claims is respectfully requested.

A. Rejection Under 35 U.S.C. §103(a)

In paragraph 2 on page 2 of the Office Action, claims 1-5, 7-8, 10, 12-17 and 19-26 were rejected under 35 U.S.C. §103(a) as being unpatentable over Spurgeon (US 5,890,129) in view of Peterson (US 6,343,271, newly cited). In paragraph 5 on page 10 of the Office Action, claims 6, 9 and 11 were rejected under 35 U.S.C. §103(a) as being unpatentable over Spurgeon (US 5,890,129) in view of Dyson (US 6,269,399), in view of Peterson (US 6,343,271) and further in view of Miller (US) 5,608,784). In paragraph 6 on page 11 of the Office Action, claim 18 was rejected under 35 U.S.C. §103(a) as being unpatentable over Spurgeon (US 5,890,129) in view of Dyson (US 6,269,399), in view of Peterson (US 6,343,271) and further in view of Miller (US) 5,608,784).

Applicant respectfully traverses these rejections, but in the interest of prosecution has amended claim 1 overcome the rejection by incorporating the limitations of claim 12 therein. Applicant submits that claims 1 and 22 of the present invention require transmitting a computer application via a computer network, the computer application being configured to receive one or more claims for relief for filing the one or more claims for relief in the multiple-party proceeding. In Applicant's invention, the claimants have no preexisting applications to execute, with respect to filing the one or more claims for relief in the multiple-party proceeding, other than those transmitted or provided by Applicant.

As admitted by Examiner in the Interview Summary dated May 18, 2004, the Spurgeon and Dyson references fail to disclose or suggest transmitting a "computer application" as disclosed in Applicants independent claims 1 and 22. Peterson fails to remedy the deficiencies of Spurgeon and Dyson as Peterson fails to disclose or suggest transmitting a computer application via a computer network, the computer application being configured to receive one or more claims for

relief. Rather, Peterson merely receives a partially prepared claim form from a claims processing system. (col. 8, lines 19-20; col. 9, lines 6-8). Miller fails to remedy the deficiencies of Spurgeon, Dyson and Peterson as Miller fails to disclose or suggest transmitting a computer application via a computer network, the computer application being configured to receive one or more claims for relief. Ogilvie also fails to remedy the deficiencies of Spurgeon, Dyson, Peterson and Miller as Ogilvie fails to disclose or suggest transmitting a computer application via a computer network, the computer application being configured to receive one or more claims for relief.

Therefore, in view of the above remarks, Applicant's independent claims 1 and 22 are patentable over the cited references. Because claims 2-11, 14-21 and 23-26 depend from claims 1 and 22 respectively, and include the features recited in the independent claims as well as additional features, Applicant respectfully submits that claims 2-11, 14-21 and 23-26 are also patentably distinct over the cited references. Nevertheless, Applicant is not conceding the correctness of the Examiner's rejection with respect to such dependent claims and reserves the right to make additional arguments if necessary.

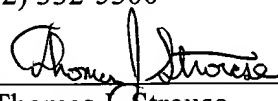
B. Conclusion

In view of the above, favorable reconsideration in the form of a notice of allowance is requested. Applicant notes that there may be additional arguments that support the patentability of the pending claims, including the claim as originally filed, in addition to those raised above. Applicant reserves the right to raise any such argument in the future. Any questions or concerns regarding this communication can be addressed to the undersigned attorney at (612) 336-4606.

Respectfully submitted,

MERCHANT & GOULD P.C.
P.O. Box 2903
Minneapolis, Minnesota 55402
(612) 332-5300

Dated: 1/17/05

By 
Thomas J. Strouse
Reg. No. 53,950
TJS:kf